


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BILLY NEWBERRY,) CASE NO. C06-1018-MJP-MAT
)
Plaintiff,)
)
v.)
) ORDER DISMISSING § 1983
CAPT. F. FINSEN, et al.,) ACTION
)
Defendants.)
_____)

The Court, having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, any objections thereto, Mr. Newberry's Motion for Appointment of Counsel and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) The complaint and this action are DISMISSED without prejudice.
- (3) Plaintiff's application for leave to proceed *in forma pauperis* (Doc. #1) is DENIED as moot.
- (4) The Clerk is directed to send copies of this Order to plaintiff and to Judge Theiler.

DATED this 7th day of September, 2006.


Marsha J. Pechman
United States District Judge